IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEPHEN HARRISON COCKBURN)
Plaintiff,))
V.	Civil Action No. 10-1407
NATIONAL BOARD OF MEDICAL EXAMINERS)))
Defendant)

SECOND AFFIDAVIT OF VINCENT P. CULOTTA, PH.D.

- 1. My name is Vincent P. Culotta. I am over 18 years old, I have personal knowledge of the matters stated herein, and I am competent to testify to those matters.
- 2. I have received my doctorate in clinical psychology.
- 3. I am a board-certified, practicing neuropsychologist and clinical psychologist with 22 years of experience in this practice.
- 4. In the context of evaluating scores on the Woodcock-Johnson III Tests of Achievement, the term "low average" indicates a standard score falling between 80 and 89. The testing manual indicates that scores can be qualitatively described in the ranges of "Very Superior," "Superior," "High Average," "Average," "Low Average," "Low" or "Very Low."
- 5. The Testing Manual for the Woodcock-Johnson III cautions that the use of qualitative terms such as "Low Average" may be confusing to non-clinicians. In the context of psychological testing, the phrase "low average" is a term of art, used to refer specifically to scores falling between the 9th and 23rd percentile.
- 6. Within the context of these scores, it is incorrect to say that a score in the "Low Average" range is the same as an "Average" score.
- 7. In my professional practice, I define the term "average" to mean a score falling between the 25th and 73rd percentiles. That range represents the performance of 50% of the population.

8. As a result, in my professional opinion, I would describe someone's performance on a test as "below average" if their score placed them below the 25th percentile.

I declare and affirm, under the penalties of perjury and based upon my personal knowledge, that all of the facts set forth in this Affidavit are true and correct.

Dr. Vincent P. Culotta

2/24/11 Date

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